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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,426	05/16/2006	Werner Lubitz	2923-746	8425
6449 7590 11/05/2008 ROTHWELL, FIGG, ERNST & MANBECK, P.C. 1425 K STREET, N.W. SUITE 800 WASHINGTON, DC 20005				
EXAMINER SWARTZ, RODNEY P				
ART UNIT 1645		PAPER NUMBER		
NOTIFICATION DATE 11/05/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-PAT-Email@rfem.com

DETAILED ACTION

1. Applicant's Response to Final Action, received 7 October 2008, is acknowledged, but will not be entered because the proposed amendments of the claims raises a new issue. The new issue, requiring further search, is the insertion of "lysis tunnel" which has not been present in the prior claim forms.
2. Applicant's Supplemental Response to Final Action, received 10 October 2008, is acknowledged, but will not be entered because the proposed amendments of the claims raises a new issue. The new issue, requiring further search, is the insertion of "lysis tunnel" which has not been present in the prior claim forms.

Conclusion

3. Claims 1-5, 7-12, 14-18, and 20 remain finally rejected.
4. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Rodney P. Swartz, Ph.D., Art Unit 1645, whose telephone number is (571) 272-0865. The examiner can normally be reached on Monday through Wednesday from 9:00 AM to 7:30 PM EST. Thursday is the examiner's work at home day.

If attempts to reach the Examiner by telephone are unsuccessful, please contact the Examiner's Supervisor, Robert B. Mondesi (571)272-0956.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

Art Unit: 1645

system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Rodney P. Swartz, Ph.D./

Primary Examiner, Art Unit 1645

November 3, 2008